



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,937	06/16/2000	Serge M. Manning	11440RRUS02U	2908

35527 7590 04/07/2003

DUKE W. LEE
CARSTENS, YEE & CAHOON, L.L.P.
P.O. BOX 802334
DALLAS, TX 75380

EXAMINER

GORT, ELAINE L

ART UNIT	PAPER NUMBER
----------	--------------

3627

DATE MAILED: 04/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/595,937

Applicant(s)

MANNING, SERGE M.

Examiner

Elaine Gort

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 19-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Invention I. in Paper No. 6 is acknowledged. The traversal is on the ground(s) that the Examiner did not show that the claims are independent or distinct and that there is a serious burden on the Examiner. This is not found persuasive because Examiner contends that the apparatus of invention II. is capable of being used to practice another and materially different process and there is a serious burden on the Examiner. Examples of what the apparatus of Invention II. could carry out include marketing activities, inventory purposes or e-mail communications which consist of materially different processes that could be carried out on the claimed system. Examiner further contends that the step of detecting established communication may be performed by hand. Even though a computer is present it may be an individual that "detects" the communication.

Regarding the presence of a serious burden on the Examiner, Examiner contends that Invention I. is a business method, Invention II. relates to computer processing systems for multicomputer data transfers, and Invention III. relates to specific computer applications (computer medium) which are classified by the USPTO in different classes.

The requirement is still deemed proper and is therefore made FINAL.

Claims 19-42 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or

Art Unit: 3627

linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 6.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-18 are rejected under 35 U.S.C. 102(a) as being anticipated by 3G Packet Data Accounting Requirements.

3G Packet Data Accounting Requirements discloses the claimed method of optimizing accounting records which includes detecting a communication link between mobile terminal and host in a packet data network (for example system detects internet access by user) and accumulates, at a packet data serving node disposed between the mobile terminal and the packet data network (data transmitted to PDSN), accounting

Art Unit: 3627

information relating to a wireless communication network serving the mobile terminal (remote dial-in user service) and the packet data network, the accounting information being used by service providers to generate billing data to minimize the frequency of producing accounting records by the packet data serving node (RADIUS; transmitted to AAA Server, accounting server).

All other claimed limitations are either disclosed or inherent.

4. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Feder et al. (US Patent 6,512,754).

Feder et al. discloses the claimed method of optimizing accounting records which includes detecting a communication link between mobile terminal and host in a packet data network (for example system detects internet access by user, for example, see figures 2 and 3) and accumulates, at a packet data serving node disposed between the mobile terminal and the packet data network (for example data transmitted to accounting router, accounting and directory server in figure 2 and server data collector shown in figure 22), accounting information relating to a wireless communication network serving the mobile terminal (remote dial-in user service) and the packet data network, the accounting information being used by service providers to generate billing data to minimize the frequency of producing accounting records by the packet data serving node (RADIUS; transmitted to customer's billing system).


All other claimed limitations are either disclosed or inherent.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is (703)308-6391. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703)308-5183. The fax phone number for the organization where this application or processing is assigned is (703)305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

EG 
March 31, 2003


Kenneth R. Rice
Primary Examiner